



GREGORY W. SULLIVAN
INSPECTOR GENERAL

The Commonwealth of Massachusetts
Office of the Inspector General

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May 11, 2012

Russell R. Philpot, Chair
Board of Selectmen
Butterick Municipal Building
1 Park Street
Sterling, Massachusetts 01564

RE: Procurement Law Issues

Dear Mr. Philpot:

Reference is made to a letter addressed to you by this Office dated March 12, 2012 ("Letter"). In the Letter, this Office stated that it had received inquiries with respect to a substantial number of issues, both in writing and also on its Chapter 30B procurement information and assistance telephone line (30B Line), claiming the town failed to comply with the state procurement laws. We advised you of these allegations as they suggested deficiencies in the town's procurement procedures. We requested that the town review each procurement file and either correct any deficiencies or follow an appropriate process in future procurements.

On April 2, 2012, Terri Ackerman, Sterling's Town Administrator, provided documentation responsive to the issues raised in the Letter. On April 23, 2012, she met with this Office and provided additional responsive information and documentation. Finally, on April 23 and 24, 2012, Ms. Ackerman provided further responsive documentation.

For most of the eleven issues set forth in the Letter, Ms. Ackerman provided this Office either documentation from the town's procurement files that demonstrated M.G.L. c.30B had been followed to the letter of the law or, in two cases, an acknowledgement of deficiencies.

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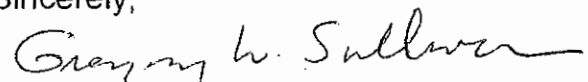
With respect to the remaining procurements, this Office noted that a deficiency cannot be corrected by creating documentation after the procurement process is completed and that, if an old procurement is defective, any subsequent procurement requires a new process; that there are mandatory requirements for all dispositions of an interest in real property, no matter what the value of the interest or the value of consideration paid by the transferee; and that the solicitation of quotes is not appropriate for construction projects estimated to cost more than \$10,000, even if construction costs are less than \$25,000.

Ms. Ackerman was at all times responsive and helpful in addressing each of the issues set forth in the Letter. During our meeting, she was knowledgeable of the applicable procurement laws, and showed a willingness to comply with all legal requirements.

The Office offers many training opportunities and materials that we encourage the town's officials and employees to review. These include educational tools on our website and through our Massachusetts Certified Public Purchasing Official (MCPPO) program. Our *Chapter 30B Manual: Legal Requirements, Recommended Practices, and Sources of Advice for Procuring Supplies, Services, and Real Property* (6th ed.) (5/11) provides a broad overview of the basic procurement law. It can be found on this Office's website, www.mass.gov/ig, together with copies of our *Procurement Bulletin* and reports and advisories on various topics. In addition, this Office also offers an online Bidding Basics course, which is available at no cost. You can find out more about this course at <http://www.mass.gov/ig/mcpopo/seminars-and-courses/bidding-basics.html>. This Office also offers a full range of courses on various procurement issues. For information on MCPPO program courses, manuals, on-line bidding and other educational materials, visit our website at <http://www.mass.gov/ig/mcpopo/igmpo.htm>.

This matter is now closed. I appreciate the town's cooperation in addressing these issues in a satisfactory manner.

Sincerely,



Gregory W. Sullivan
Inspector General

cc: Terri Ackerman, Town Administrator
Town of Sterling